

## REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application, including original claims 1—71 and newly added claim 72.

## **Response to Arguments**

In its Response to Arguments section of the current Office Action, the Office indicates that Applicant's previous arguments filed on 4/7/2004 have been fully considered but are not persuasive. Specifically, at page 2 of the Office Action, the Office refutes Applicant's assertion that Muller (U.S. Patent No. 6,249,727) does not teach "verifying that a first application is authorized to set an initial range for a controlled parameter setting" as recited, for example, in claim 1. The Office asserts that Muller teaches that the "change of the parameter is being restricted (e.g. according to driver's skill level)", and refers to Muller at col. 6, lines 1-16 for support. The Office concludes that this "suggests that in order to set an initial change, authorization is required in order to perform the operation".

However, as noted herein below and in Applicant's previous arguments filed on 4/7/2004, Muller teaches that preferred values for a control parameter are written to a data card. The data card is then inserted into, and read by, a card reader on a machine. A parameter range is specified on an internal storage device of the machine. Preferred values from the data card are compared to the machine's internal parameter range. As long as a preferred value from the data card is within the allowable parameter range specified in the internal storage device on the machine, the preferred value will control the corresponding machine subsystem according to the preferred value. If a preferred value from the data card

1 falls outside of the allowable parameter range specified in the internal storage  
2 device, the machine is controlled according to the preferred value subject to the  
3 specified operating parameter range.

4 The purpose of Muller's system is to customize and/or limit the operation  
5 of machine subsystems using information stored on a portable, external data  
6 storage card that can be moved from machine to machine. For example, the  
7 extension of a lift cylinder which controls the height of the bucket on a wheel  
8 loader machine can be customized according to the experience/skill level of an  
9 operator, but will never be permitted to operate outside an allowable parameter  
10 range specified in the internal storage device.

11 Applicant respectfully submits that the system disclosed by Muller is  
12 nothing like Applicant's claimed, "verifying that a first application is authorized to  
13 set an initial range for a controlled parameter setting". Muller does not discuss or  
14 suggest verifying that an application is authorized to set a parameter range.

15 In Muller, a preferred value may be written to a data card. However,  
16 Muller does not discuss or suggest "verifying" that an application is authorized to  
17 write such a preferred value. Also in Muller, an allowable operating range for a  
18 parameter is either specified on an internal storage device of a machine, or it is  
19 not. Muller does not discuss or suggest "verifying" that an application is  
20 authorized to specify such a parameter range on the internal storage device.

21 In its Response to Arguments section, as noted above, the Office indicates  
22 that Applicant's arguments filed on 4/7/2004 have been fully considered but are  
23 not persuasive. However, the Office only addresses one element of Applicant's  
24 claim 1, as just discussed. Applicant has provided numerous additional and  
25 compelling arguments in its previous arguments filed on 4/7/2004 (and herein

1 below) which the Office has not addressed. The Office merely states that such  
2 arguments "have been fully considered but they are not persuasive". Applicant  
3 respectfully suggests that to have been "fully considered", such arguments beg  
4 some further refutation and/or explanation by the Office. Such refutation and/or  
5 explanation is not present in the current Office Action.

6 In its Response to Arguments section, the Office asserts that Muller does  
7 not teach "verifying that a first application is authorized to set an initial range for a  
8 controlled parameter setting". Applicant's discussion above, as well as arguments  
9 presented herein below and those filed on 4/7/2004, thoroughly dispose of this  
10 assertion by the Office.

11 However, missing from the Response to Arguments section, is any response  
12 by the Office to numerous other compelling arguments presented by Applicant.  
13 Such arguments are noted below and were filed on 4/7/2004, and include, for  
14 example, that Muller does not discuss or suggest allowing an application to set a  
15 range for a controlled parameter setting if that application is authorized.

16

17 **§102 Rejections**

18 **Claims 1, 4-8, 11-22, 25-29, 32-53, 60-64, 70 and 71** are rejected under 35  
19 U.S.C. §102(e) as allegedly being anticipated by Muller (U.S. Patent No.  
20 6,249,727). Applicant respectfully traverses the rejection.

21 Muller teaches a method and apparatus for customizing and/or limiting the  
22 operation of machine subsystems using information stored on a portable, external  
23 data storage device that can be moved from machine to machine. (Muller; col. 1,  
24 lines 5-13; col. 2, lines 32-39). The method and apparatus provide a control  
25 system on a machine to control characteristics of an operating subsystem of the

1 machine. The control system includes an electronic controller for controlling  
2 operation of the subsystem, an internal data storage device containing data  
3 readable by the controller which represents an allowable range for controlling an  
4 operating parameter for the subsystem, and a data interface that allows the  
5 controller to access data contained on the portable, external data storage device.  
6 (Muller; col. 2, lines 47-55).

7 The external data storage device (i.e., a data card) contains data accessible  
8 by the controller through the data interface (i.e., card reader). The data on the data  
9 card represents a preferred value for controlling an operating parameter of a  
10 machine subsystem. The controller accesses the preferred value from the external  
11 data card and compares it to the allowable range stored on the internal data storage  
12 device of the machine. If the preferred value is within the allowable range, the  
13 controller selects the preferred value for controlling the operating parameter. If  
14 the preferred value is beyond the allowable range, the controller selects the  
15 allowable range for controlling the operating parameter. (Muller; col. 2, lines 56-  
16 65).

17 Applicant's **claim 1** recites in part:

18 verifying that a first application is authorized to set an initial  
19 range for a controlled parameter setting;

20 if authorized, allowing the first application to set an initial range  
21 for the controlled parameter setting; and

22 subsequently, allowing at least a second application to modify  
23 the controlled parameter setting within the initial range set by the first  
24 application.

25 Regarding claim 1, the Office refers to Muller at col. 5, lines 25-35, and  
line 61 to col. 6, line 27, in support of the assertion that Muller discloses the  
elements of "verifying that a first application is authorized to set an initial range

1 for a controlled parameter setting", and "if authorized, allowing the first  
2 application to set an initial range for the controlled parameter setting".

3 At col. 5, lines 25-35, however, Muller merely discusses writing preferred  
4 operating parameter control limits onto a data card which is read by a card reader  
5 on a machine to control a machine subsystem. The machine used in Muller  
6 (generally discussed at cols. 3-6) is a wheel loader machine having a lift arm  
7 assembly and a bucket for holding soil (see generally, Fig. 1 and cols. 3-6).  
8 Parameters on the data card can be read by a data interface (card reader) on the  
9 machine to control, for example, the extension of a lift cylinder which controls the  
10 height of the bucket (col. 4, lines 45-56). Thus, the parameter control limits that  
11 are written/programmed onto the data card are intended to limit the operation of a  
12 machine's subsystems.

13 In Muller, preferred values for parameters can be written to the external  
14 data card from an input device located on the machine itself, or from a card writer  
15 on a remote personal computer (col. 5, lines 25-35). At col. 5, line 61 - col. 6, line  
16 27, Muller discusses in further detail, writing parameters to the data card using a  
17 remote computer. The computer can transfer data to the card via a conventional  
18 wired data link or via a wireless data link using transmitter/receivers at the remote  
19 computer and at the machine. Values for operating parameters can be changed by  
20 downloading and/or writing new data to the data card. The data on the card  
21 controls the corresponding operating parameters as long as the data is within the  
22 allowable range for the parameters contained in the internal storage device on the  
23 machine.

24 Regarding claim 1, there is no discussion anywhere in Muller of the  
25 elements of claim 1. Muller does not discuss verifying or authorizing anything

1       regarding a parameter range. Nor does Muller discuss "verifying that a first  
2       application is authorized to set an initial range for a controlled parameter setting"  
3       as recited in Applicant's claim 1. As noted above, Muller discloses writing data to  
4       a data card that is used to control a subsystem of a machine within parameter  
5       ranges specified on an internal storage device of the machine. However, Muller  
6       does not verify whether an "application is authorized to set an initial range for a  
7       controlled parameter setting" as recited in Applicant's claim 1. In Muller, a  
8       parameter range is specified on an internal storage device of a machine, and a  
9       parameter value input to the machine from a data card is compared to the range.  
10      There is no discussion in Muller regarding verifying or authorizing anything with  
11      respect to the parameter range.

12      For this reason alone, it is clear that Muller does not teach all of the  
13      elements of Applicant's claim 1. As stated in MPEP § 2131, "A claim is  
14      anticipated only if each and every element as set forth in the claim is found, either  
15      expressly or inherently described, in a single prior art reference." Because Muller  
16      does not disclose all elements of Applicant's claim 1, Muller cannot be said to  
17      anticipate claim 1. Applicant therefore respectfully requests that the §102(e)  
18      rejection of claim 1 be withdrawn.

19      Furthermore, Muller does not teach "allowing the first application to set an  
20      initial range for the controlled parameter setting" if the first application is  
21      authorized. Again, as discussed above, Muller discloses that a preferred value set  
22      for a control parameter is written to a data card. The data card is then inserted  
23      into, and read by, a data interface (card reader) on a machine. However, the  
24      machine in Muller simply reads the data from the data card and controls machine  
25      subsystems according to the data. If there is an operating range restriction for a

1 given parameter specified on the internal storage device of the machine, the  
2 machine is controlled according to data on the card subject to the specified  
3 operating range. Muller does not discuss verifying that an application is  
4 authorized to set a parameter range, nor does Muller discuss allowing the  
5 application to set a range for a controlled parameter setting if that application is  
6 authorized. In Muller, an allowable operating range for a parameter is either  
7 present on the internal storage device of the machine or it is not.

8 For this additional reason Muller does not disclose all elements of  
9 Applicant's claim 1 and cannot be said to anticipate claim 1. Applicant therefore  
10 respectfully requests that the §102(e) rejection of claim 1 be withdrawn.

11 **Claims 4-8 and 11-21** depend directly or indirectly from claim 1, and  
12 therefore include each of the elements of claim 1. Therefore, claims 4-8 and 11-21  
13 are allowable by virtue of at least this dependency from allowable claim 1, in  
14 addition to further elements recited therein that are not taught by Muller.  
15 Applicant therefore respectfully requests withdrawal of the §102(e) rejection of  
16 claims 4-8 and 11-21.

17 Further regarding claim 4, the Office asserts that Muller discloses "wherein  
18 the first application is verified based at least partially on memory location  
19 information associated with a verifying function". However, as noted above,  
20 Muller does not discuss in any respect, "verifying that a first application is  
21 authorized to set an initial range for a controlled parameter setting", and therefore  
22 cannot be said to provide verification based on memory location information  
23 associated with a verifying function. Muller does not discuss any verification or  
24 any verifying function. For this additional reason, claim 4 is not anticipated by  
25 Muller, and the §102(e) rejection of claim 4 should be withdrawn.

1       Further regarding claim 5, the Office asserts that Muller discloses “wherein  
2 the memory location information associated with the verifying function defines  
3 memory location within a read only memory (ROM)”. However, as just clarified,  
4 Muller does not discuss a verifying function in any respect. For this additional  
5 reason, claim 5 is not anticipated by Muller, and the §102(e) rejection of claim 5  
6 should be withdrawn.

7       Further regarding claim 8, the Office asserts that Muller discloses  
8 “verifying that the second application is authorized to modify a current range for  
9 the controlled parameter setting; if authorized, allowing the second application to  
10 modify the current range for the controlled parameter setting; and subsequently,  
11 allowing at least a third application to modify the controlled parameter setting  
12 within the current range as modified by the second application”. However, as  
13 discussed above, Muller does not disclose in any respect, verifying that an  
14 application is authorized for anything. Muller teaches a machine that simply reads  
15 data from a data card and controls machine subsystems according to the data. If  
16 there is an operating range restriction for a given parameter, the machine is  
17 controlled according to data on the card within the allowable range. There is no  
18 discussion in Muller of verifying authorization of an application or of allowing an  
19 application to modify or set a range for a controlled parameter setting. For these  
20 additional reasons, claim 8 is not anticipated by Muller, and the §102(e) rejection  
21 of claim 8 should be withdrawn.

22       Furthermore, regarding claims 11-21, various elements already discussed  
23 herein above with respect to claims 1-8 are also included in claims 11-21 by virtue  
24 of their dependency from claim 1 and/or intervening claims. Accordingly, as  
25 noted above, Applicant respectfully submits that claims 11-21 are allowable for

1 the same reasons discussed above in addition to the additional elements they recite  
2 that are not taught by Muller.

3 Regarding **claims 22, 25-29, and 32-42**, the Office asserts that the  
4 limitations in such claims are substantially similar to the method claims 1, 4-8, and  
5 11-21, and therefore rejects claims 22, 25-29, and 32-42 for the same reasons used  
6 for rejecting claims 1, 4-8, and 11-21. Applicant notes that claims 22, 25-29, and  
7 32-42 are directed to a computer-readable medium and that otherwise, the  
8 elements of claims 22, 25-29, and 32-42 are substantially similar to the elements  
9 already discussed above with regard to claims 1, 4-8, and 11-21. Therefore, the  
10 same reasons stated above regarding the allowability of claims 1, 4-8, and 11-21  
11 are equally applicable to claims 22, 25-29, and 32-42. Accordingly, claims 22, 25-  
12 29, and 32-42 are also allowable, and Applicant respectfully requests that the  
13 §102(e) rejection of claims 22, 25-29, and 32-42 be withdrawn.

14 **Claim 43** recites in part:

15 setting an authorized range and a current value for a controlled  
16 parameter;

17 receiving a request to change the current value of the controlled  
18 parameter from an application;

19 changing the current value of the controlled parameter if a  
20 requested value of the controlled parameter is within the authorized  
21 range;

22 otherwise, verifying that the application is authorized to modify  
23 the authorized range for the controlled parameter, prior to changing the  
24 current value of the controlled parameter to the requested value.

25 The Office asserts that Muller teaches these elements at col. 5, line 25-col.  
26 6, line 27. However, as already discussed above, Muller does not teach or discuss  
27 anything regarding verifying that an application is authorized. In Muller, an  
28 allowable operating range for a parameter is either present on an internal storage

1 device of the machine or it is not. A controller accesses a preferred value from an  
2 external data card and compares the value to the allowable range (if present). If  
3 the preferred value from a data card is within the allowable range, a controller  
4 selects the preferred value for controlling the operating parameter. If the preferred  
5 value is beyond the allowable range, the controller selects the allowable range for  
6 controlling the operating parameter. Thus Muller does not teach anything about  
7 verifying whether an application is authorized to modify such an allowable range,  
8 and Muller does not teach the element of “verifying that the application is  
9 authorized to modify the authorized range for the controlled parameter, prior to  
10 changing the current value of the controlled parameter to the requested value” as  
11 recited in claim 43.

12 For at least this reason, it is clear that Muller does not teach all of the  
13 elements of Applicant’s claim 43. Because Muller does not disclose all elements  
14 of Applicant’s claim 43, Muller cannot be said to anticipate claim 43. Applicant  
15 therefore respectfully requests that the §102(e) rejection of claim 43 be withdrawn.

16 **Claims 44-47** depend directly or indirectly from claim 43 and therefore  
17 include all the elements of claim 43. Therefore, claims 44-47 are allowable by  
18 virtue of at least this dependency from allowable claim 44, in addition to further  
19 elements recited therein that are not taught by Muller. Accordingly, Applicant  
20 respectfully requests withdrawal of the §102(e) rejection of claims 44-47.

21 Regarding **claims 48-52**, the Office asserts that the limitations in such  
22 claims are computer readable medium claims and that they are substantially  
23 similar to the method claims 43-47. The Office therefore rejects claims 48-52 for  
24 the same reasons used for rejecting claims 43-47. Although claims 48-52 are  
25 directed to a computer readable medium, element of claims 48-52 are substantially

1 similar to elements of claims 43-47 discussed above. Therefore, the same reasons  
2 stated above regarding the allowability of claims 43-47 are equally applicable to  
3 claims 48-52. Accordingly, claims 48-52 are also allowable, and Applicant  
4 respectfully requests that the §102(e) rejection of claims 48-52 be withdrawn.

5 Regarding **claim 53**, the Office asserts that the claim limitations are  
6 substantially similar to method claim 1. The Office therefore rejects claim 53 for  
7 the same reasons used for rejecting claim 1. Applicant disagrees with the assertion  
8 that claim 53 is substantially similar to claim 1. Claim 53 recites in part:

9

10 A system comprising:  
11 at least one processor . . . ;  
12 memory coupled to the processor . . . ; and  
13 a program operatively configured within the processor and  
14 memory and arranged to set a parameter value and a range associated  
15 with at least one controlled parameter, determine if the first application  
16 is authorized to modify the range, modify the parameter value within  
the range when requested by the first application, and modify the  
parameter value outside the range and modify the range when requested  
by the first application if the first application is authorized to modify the  
range.

17 Although claim 53 is directed to a system and not a method, some elements  
18 of claim 53 parallel some elements in claim 1. For example, to “determine if the  
19 first application is authorized to modify the range” as recited in claim 53, parallels  
20 the element of “verifying that a first application is authorized to set an initial  
21 range” as recited in claim 1. Furthermore, claim 53 recites, “modify the range  
22 when requested by the first application if the first application is authorized to  
23 modify the range”, which parallels, “if authorized, allowing the first application to  
24 set an initial range for the controlled parameter setting” as recited in claim 1.  
25

1 Therefore, since the Office has rejected claim 53 on the same basis used to reject  
2 claim 1, the allowability of claim 53 can be demonstrated for at least the same  
3 reasons discussed above regarding claim 1.

4 As noted above, Muller discloses writing data to a data card that is used to  
5 control a subsystem of a machine within parameter ranges specified on an internal  
6 storage device of the machine. However, Muller does not “determine if the first  
7 application is authorized to modify the range” as recited in claim 53. There is no  
8 discussion at all in Muller regarding determining if an application is authorized to  
9 modify a parameter range. In Muller, a parameter range is specified on an internal  
10 storage device of a machine, and a parameter value input to the machine from a  
11 data card is compared to the range. Muller does not teach or suggest determining  
12 if an application is authorized to modify the parameter range.

13 Furthermore, Muller does not teach or suggest to “modify the range when  
14 requested by the first application if the first application is authorized to modify the  
15 range” as recited in claim 53. There is no discussion in Muller regarding  
16 modifying the parameter range by an application that is authorized. In Muller, a  
17 preferred value set for a control parameter is read from a portable data card in  
18 order to control a machine’s subsystems according to the preferred values. If an  
19 operating range restriction is stored on the internal storage device of the machine,  
20 the preferred values from the data card control the machine subject to the  
21 operating range restriction. There is no discussion in Muller of modifying the  
22 range by an application that is determined to be authorized.

23 For at least the reasons discussed above, Muller does not teach all of the  
24 elements of Applicant’s claim 53. Thus, Muller cannot be said to anticipate claim  
25

1 53, and Applicant respectfully requests that the §102(e) rejection of claim 53 be  
2 withdrawn.

3 **Claims 60-63** depend directly or indirectly from claim 53 and therefore  
4 include all the elements of claim 53. Therefore, claims 60-63 are allowable by  
5 virtue of at least this dependency from allowable claim 53, in addition to further  
6 elements recited therein that are not taught by Muller. Accordingly, Applicant  
7 respectfully requests withdrawal of the §102(e) rejection of claims 60-63.

8 Regarding **claims 64, 70 and 71**, the Office asserts that the limitations in  
9 such claims are substantially similar to the method claims 43, 62 and 63. The  
10 Office therefore rejects claims 64, 70 and 71 for the same reasons used for  
11 rejecting claims 43, 62 and 63.

12 Claim 64 recites elements that parallel elements of various claims already  
13 discussed above. For example, claim 64 recites a “verifier function accessible by  
14 the parameter manager and configured to determine if the parameter change  
15 request is from a computer application that is authorized to exceed a parameter  
16 limitation”. However, as noted above regarding claim 4, Muller does not discuss  
17 any sort of verification or verifier function.

18 For this and other reasons noted above which apply to claim 64, it is clear  
19 that Muller does not teach all of the elements of Applicant’s claim 64. Therefore,  
20 Muller does not anticipate claim 64, and Applicant respectfully requests that the  
21 §102(e) rejection of claim 64 be withdrawn.

22 Claim 70 and 71 depend from claim 64 and therefore include the elements  
23 of claim 64. Therefore, claims 70 and 71 are allowable by virtue of at least this  
24 dependency from allowable claim 64, in addition to further elements recited  
25

1 therein that are not taught by Muller. Accordingly, Applicant respectfully requests  
2 withdrawal of the §102(e) rejection of claims 70 and 71.  
3  
4

#### **§103 Rejections**

5 **Claims 2-3, 9-10, 23-24, 30-31, 55-59 and 65-69** are rejected under 35  
6 U.S.C. §103(a) as being allegedly unpatentable over Muller in view of Gormley  
7 (U.S. Patent No. 5,513,107). Applicant assumes the Office also intended to  
8 include **claim 54** in the above list of claims rejected under 35 U.S.C. §103(a).  
9 Applicant respectively traverses the rejection.

10 Gormley teaches methods and apparatus for selecting operating  
11 characteristics of a motor vehicle with respect to recognized vehicle operators and  
12 with respect to limiting operating parameters to restrict or disable operation of the  
13 vehicle. (Gormley; col. 3, lines 55-64).

14 Regarding **claims 2, 9, 54, 56, and 65**, the Office admits that Muller does  
15 not disclose using a security code as a form of verification. Furthermore, as noted  
16 copiously above, Muller does not teach elements of claims 1, 53, and 64, which  
17 are the respective base claims of claims 2, 9, 54, 56, and 65. More specifically,  
18 Muller does not teach or suggest modifying an operating parameter range by an  
19 application that is determined to be authorized, nor does Muller teach verifying  
20 that such an application is an authorized application. As is made apparent below,  
21 Gormley does not teach or suggest these elements either, and therefore does not  
22 remedy the noted deficiencies of Muller. Accordingly, base claims 1, 53, and 64,  
23 along with their respective dependent claims 2, 9, 54, 56, and 65, are allowable  
24 over the combination of Muller and Gormley as noted below.  
25

1       With respect to claims 2, 9, 54, 56, and 65, the Office asserts that Gormley  
2 (at col. 2, lines 41-53) discloses selection of the restricted mode of vehicle  
3 operation performed by entry of control signals corresponding to a security code,  
4 and states that it would have been obvious to incorporate the teaching of Gormley  
5 with entry of security code for verification purposes with Muller's teaching of  
6 setting initial controlled parameter setting in order to create a specific restricted  
7 mode of operation for a particular application.

8       Each of claims 2, 9, 54, 56, and 65 include an element related to verifying  
9 that an application is authorized based on a security code. For example, claim 2  
10 recites, "wherein the first application is verified based on a first security code".  
11 Claim 9 recites, "wherein the second application is verified based on a second  
12 security code". Claim 54 recites, "wherein the program determines if the first  
13 application is authorized to modify the range by analyzing a security code  
14 provided by the first application". Claim 56 recites, "wherein the program  
15 determines that the first application is authorized to change the range only if the  
16 security code matches a valid security code". And claim 65 recites, "wherein the  
17 verifier determines if the parameter change request is from the computer  
18 application authorized to exceed the parameter limitation by analyzing a security  
19 code identified by the first application".

20      Furthermore, the authorization being verified in claims 2, 9, 54, 56 and 65,  
21 is the authorization for an application to set or modify a range for a controlled  
22 parameter setting (see respective base claims 1, 53 and 64). Thus, in claims 2, 9,  
23 54, 56 and 65, a security code is used to verify whether an application is  
24 authorized to set or modify a range for a controlled parameter setting.

25

1 By contrast to claims 2, 9, 54, 56 and 65, Gormley teaches a security code  
2 that is used to select a restricted mode of vehicle operation (Gormley; col. 2, lines  
3 37-40). In Gormley, restricted vehicle operating characteristics are stored in a  
4 controller ROM. An operator enters a security code which invokes the restricted  
5 operating characteristics. Thus, if an authorized person is to be restricted in the  
6 operation of a vehicle, a predetermined set of stored limited operating  
7 characteristic parameters is selected. For example, if a valet is parking the vehicle,  
8 predetermined limited operating parameters can be selected from the system  
9 memory using a security code input for limiting operability of the vehicle.  
10 (Gormley; col. 7, lines 10-26).

11 Therefore, although Gormley uses a security code to select a restricted  
12 mode of vehicle operation which has been predetermined and stored in a ROM,  
13 Gormley does not teach or suggest anything regarding modifying an operating  
14 parameter range by an application that is determined to be authorized, or, verifying  
15 that the application is authorized to modify such operating parameter range based  
16 on a security code. Thus, it is apparent that Gormley does not remedy the  
17 deficiencies noted above regarding Muller, and that together, Muller and Gormley  
18 fail to teach the elements of claims 2, 9, 54, 56 and 65, or their respective base  
19 claims 1, 53 and 64.

20 A prima facie case of obviousness requires, among other things, that the  
21 prior art reference (or references when combined) must teach or suggest all the  
22 claim limitations. Yet, as clarified above, the Muller and Gormley references  
23 (alone or in combination) do not teach or suggest all the claim limitations of  
24 Applicant's claims 2, 9, 54, 56 and 65. Therefore, for at least the reasons set forth  
25 above, Applicant respectfully submits that the Office has not met the burden of

1 establishing a prima facie case of obviousness in the rejection of claims 2, 9, 54,  
2 56 and 65. Accordingly, Applicant respectfully requests that the 35 U.S.C.  
3 §103(a) rejection of claims 2, 9, 54, 56 and 65 be withdrawn.

4 Regarding **claims 3, 10, 55, and 66**, the Office admits that Muller and  
5 Gormley do not disclose a security code that is encrypted or decrypted. However,  
6 the Office asserts that encrypting and decrypting is well-known, and that it would  
7 have been obvious to encrypt the security code taught by Gormley with the  
8 programmable preferred operating parameter control limit on a data card taught by  
9 Muller. However, as noted above, neither Muller nor Gormley teach or suggest  
10 the elements of base claims 1, 53 and 64. Specifically neither Muller nor Gormley  
11 teach or suggest modifying an operating parameter range by an application that is  
12 determined to be authorized, or, verifying that the application is authorized to  
13 modify such operating parameter range. Because claims 3, 10, 55 and 65 depend  
14 from base claims 1, 53 and 64, they include the elements of claims 1, 53 and 64.  
15 Accordingly, claims 3, 10, 55 and 65 are allowable for the same reasons discussed  
16 above regarding base claims 1, 53 and 64, in addition to further elements recited  
17 therein that are not taught by the combination of Muller and Gormley.  
18 Accordingly, Applicant respectfully requests withdrawal of the §103(a) rejection  
19 of claims 3, 10, 55 and 65.

20 Regarding **claims 23-24 and 30-31**, the Office rejects these claims for the  
21 same reasons it rejects claims 2-3 and 9-10. Accordingly, the same reasoning set  
22 forth above regarding claims 2-3 and 9-10, applies equally to claims 23-24 and 30-  
23 31. Furthermore, claims 23-24 and 30-31 depend from base claim 22, which  
24 generally includes elements of modifying/setting an operating parameter range by  
25 an application that is determined to be authorized, and, verifying that the

1 application is authorized to modify such operating parameter range. As noted  
2 above, the combination of Muller and Gormley fails to teach modifying/setting an  
3 operating parameter range by an application that is determined to be authorized,  
4 or, verifying that the application is authorized to modify such operating parameter  
5 range. Accordingly, claims 23-24 and 30-31 are also allowable based on at least  
6 their dependency from base claim 22, in addition to further elements recited  
7 therein that are not taught by the combination of Muller and Gormley.  
8 Accordingly, Applicant respectfully requests withdrawal of the §103(a) rejection  
9 of claims 23-24 and 30-31.

10 With respect to **claims 57-59 and 67-69**, these claims are dependent from  
11 base claims which recite elements already discussed above that are not taught or  
12 suggested by the combination of Muller and Gormley. Namely, the combination  
13 of Muller and Gormley do not teach modifying/setting an operating parameter  
14 range by an application that is determined to be authorized, and, verifying that the  
15 application is authorized to modify such operating parameter range. Furthermore,  
16 regarding claims 57 and 67, the combination of Muller and Gormley also fail to  
17 teach at least a verifier or verifier function. Regarding claims 58 an 68, the  
18 combination of Muller and Gormley also fail to teach at least a predefined  
19 memory location within a read only portion of memory. Regarding claims 59 and  
20 69, the combination of Muller and Gormley also fail to teach at least “wherein the  
21 security code is uniquely associated a software developer entity responsible for  
22 providing the computer application and the verifier”. For the various reasons set  
23 forth above, Applicant respectfully requests withdrawal of the §103(a) rejection of  
24 claims 57-59 and 67-69.

25

1           **New claim 72** is allowable for many of the same reasons that claim 51 is  
2 allowable, as well as for reasons associated with novelty and non-obviousness of  
3 the specific elements recited.

4

5 **Conclusion**

6           All pending claims are believed to be in condition for allowance. Applicant  
7 respectfully requests reconsideration and prompt issuance of the present  
8 application. Should any issue remain that prevents immediate issuance of the  
9 application, the Examiner is encouraged to contact the undersigned attorney to  
10 discuss the unresolved issue.

11

12

13

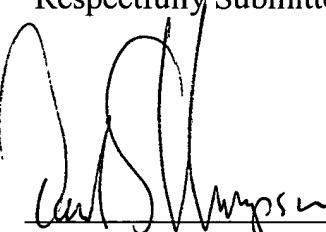
14

15

16

Dated: 12-30-04

Respectfully Submitted,

By: 

David S. Thompson  
Reg. No. 37954  
(509) 324-9256; x235

17

18

19

20

21

22

23

24

25